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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ALEMAYEHU JIMMA,

10 Plaintiff,

11 v.

12 CITY OF SEATTLE, et al.,

13 Defendants.
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Case No. 2:18-CV-1819-RSL

ORDER GRANTING
EXTENSION OF TIME TO
SERVE DEFENDANTS

15 This matter comes before the Court on the Court's order to show cause, Dkt. #9, and
16 plaintiff Alemayehu Jimma's "Motion for Discovery." Dkt. #18. Plaintiff was granted leave to
17 proceed *in forma pauperis* on October 12, 2018. Dkt. #3. He filed an Amended Complaint on
18 November 28, 2018. Dkt. #5. On April 5, 2019, the Court noted that service of the summons and
19 complaint had not been made on defendants as required by Federal Rule of Civil Procedure 4(m)
20 and ordered plaintiff to show cause why the complaint should not be dismissed. Dkt. #9; see
21 Fed. R. Civ. P. 12(b)(5).

22 Plaintiff filed a response on April 17, 2019. Dkt. #10. He claims that "the City of Seattle
23 was served documents by the United States Postal Service" and that Assistant City Attorney
24 Susan Park ("ACA Park") "accepted service for defendants." Id. at 1. The City of Seattle ("the
25 City") filed a reply on April 23, 2019, along with a declaration from ACA Park. Dkts. #11, #12.
26 ACA Park states that she did not agree to accept service. Dkt. #12 at ¶¶ 2–3. She states that
27 plaintiff appeared at the City Attorney's Office on April 15, 2019. Id. at ¶ 3. The next day, ACA
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ORDER GRANTING EXTENSION OF TIME
TO SERVE DEFENDANTS - 1

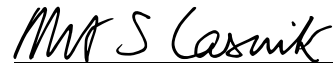
1 Park sent a letter to him stating that, “[g]iven the service delay, the lack of notice, and the fact
2 that the pleadings are reflective of ones we are currently engaged in other litigation on, we will
3 not complete waivers of service. Additionally, it appears as if you have also exceeded the
4 deadline for service of summons.” Ex. A, Dkt. #12-1 at 2–3. She reiterated this in a second letter
5 dated April 17, 2019, following a telephone conversation with plaintiff. Ex. B, Dkt. #12-2 at 6.
6 The Court accordingly dismissed plaintiff’s complaint on June 20, 2019. Dkt. #15.

7 On May 24, 2019, plaintiff filed a “Motion to Reopen Dismissed Case,” claiming that he
8 was not served with the documents filed by ACA Park. Dkt. #17. The Court found that the
9 City’s response included a Certificate of Service indicating that it was mailed to plaintiff at the
10 address appearing in the Court docket. Dkt. #11 at 4. However, as plaintiff claimed that he did
11 not receive it, the Court permitted plaintiff to file a reply and vacated the judgment entered in
12 favor of defendants. Dkt. #19. Plaintiff filed a declaration on July 3, 2019. Dkt. #20. He states
13 that he mailed a copy of the complaint by certified mail, return receipt requested, to the Seattle
14 City Attorney’s Office. Id. at 1, 4. He also states that he visited the Office himself and was told
15 by their “Office Manager ... that the [Office] had received the copy of the complaint that [he]
16 mailed to them and that [he] did not need to give them another copy.” Id. at 2.

17 Plaintiff has still failed to perfect service upon defendants. See Fed. R. Civ. P. 4(c)(2)
18 (“Any person who is at least 18 years old and not a party may serve a summons and
19 complaint.”); see id. at 4(m). Plaintiff is advised to make use of the provisions for waiver of
20 service of process. See Fed. R. Civ. P. 4(d). The Waiver Form utilized by the District Court for
21 the Western District of Washington is attached herewith.
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23 For all the foregoing reasons, the Court hereby ORDERS that the deadline for service
24 upon defendants shall be extended for an additional 60 days from the date of this Order.
25 Plaintiff’s motion for discovery, see Dkt. #18, is DENIED as moot.
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1 DATED this 22nd day of July, 2019.

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5 Robert S. Lasnik
6 United States District Judge
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UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff

v.

Defendant

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Civil Action No. _____

WAIVER OF THE SERVICE OF SUMMONS

To: _____
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

Signature of the attorney or unrepresented party

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.